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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Takaaki KISHIGAMI, et al.

Application No.: 10/565,845

Filed: January 26, 2006

For: APPARATUS AND METHOD FOR RADIO COMMUNICATION

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents  
Washington, DC 20231

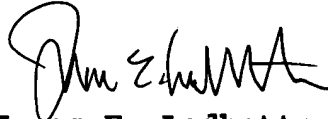
Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the art listed on the attached Form PTO 1449. The year of publication of the Ohgane, et al. article and the G. Foschini article are sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not in issue. The Ohgane, et al. article, the G. Foschini article, and the H. Bolcskei, et al. article are discussed in the present application on page 3, line 14, 17, and 21 et seq., respectively.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants

respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

Respectfully submitted,



James E. Ledbetter  
Registration No. 28,732

Date: February 28, 2006

JEL/ejw

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**FORM PTO-1449** U.S. Department of Commerce  
(Rev. 4/92) Patent and Trademark Office

ATTY. DOCKET NO.

SERIAL NO.

**L9289.06109**

**10/565.845**

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

**APPLICANT**

**Takaaki KISHIGAMI, et al.**

FILING DATE

**January 26, 2006**

GROUP

## Unassigned

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

**T. Ohgane, et al., "A Study on a Channel Allocation Scheme with an Adaptive Array in SDMA,"**  
**IEEE 47<sup>th</sup> VTC, vol. 2, pages 725-729, 1997.**

**G. Foschini, "Layered Space-Time Architecture for Wireless Communication in a Fading Environment when using Multi-Element Antennas," Bell Labs Technical Journal, pages 41-59, Autumn 1996.**

H. Bolcskei, et al., "On the Capacity of OFDM-Based Spatial Multiplexing Systems," IEEE Transactions on Communications, vol. 50, no. 2, pages 225-234, Feb. 2002

**EXAMINER:** Initial if citation is considered, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO-1449 [6-4])